

Dear Clerk of the Court for the Northern District of California,

Please find, attached, a new complaint and In Forma Pauperis filing fee. Per Judge Trina Thompson's order on August 31, 2023, I am also including a copy of her order. This complaint should be submitted to the "Duty Judge" (whatever that means) for a § 1915 review for frivolousness.

Per lines 15-18 of this order, here is my statement about why I believe the case should be allowed to proceed:

Because, as I have thoroughly explained in the Complaint, this is a blatant case of the defendant violating my copyright by taking far, far more than what he actually needs in order to make his criticism. If he had simply removed the parts of my videos he didn't need in order to make his criticism, he would have had a much stronger case. His case for fair use is downright delusional, and that is why I have a colorable cause of action.

One excerpt from that complaint you should especially take a look at is ¶¶ 66-67, which references a YouTube video I made on this subject, the url of which is provided in ¶ 38 of the Complaint. Specifically, notice ¶ 67(e), where I explain that even YouTube's own lawyers agreed that it wasn't fair use after manually vetting it.

Therefore, I hope that the duty judge (whoever he may be) approves this complaint.

Please assign a case number to this complaint ASAP, because only by providing that will I be able to prevent the videos from being reinstated pursuant to a DMCA Counter-Notification.

Sincerely,



David Stebbins
123 W. Ridge Ave.,
APT D
Harrison, AR 72601
(870) 212-4947
acerthorn@yahoo.com

1 **III. CONCLUSION**

2 For the foregoing reasons, Plaintiff's motion for leave to file amended complaint is
3 **DENIED**, Plaintiff's partial motion for summary judgment is **DENIED**, Plaintiff's motion to
4 strike is **DENIED**, Defendant's motion to dismiss is **GRANTED**, and Defendant's motion to
5 declare Plaintiff a vexatious litigant is **GRANTED**. Plaintiff may not amend his complaint.

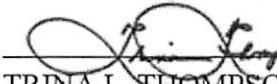
6 In addition, Plaintiff David A. Stebbins is **DECLARED** a vexatious litigant in this
7 District. As such, (1) any future actions against Google LLC, YouTube LLC, Alphabet Inc., or
8 any of their affiliates, or (2) any claim of copyright infringement or copyright-related claims
9 against any defendant, Mr. Stebbins must first provide a copy of his complaint and this Order to
10 the Clerk of this Court, along with a letter requesting the complaint be filed. The Clerk shall then
11 forward the complaint, letter, and copy of this Order to the Duty Judge for a determination
12 whether the complaint should be accepted for filing. Plaintiff is warned that any violation of this
13 order will expose him to contempt proceedings and appropriate sanctions, and any action filed in
14 violation of this Order will be subject to dismissal.

15 Furthermore, in any future action in this District in which Mr. Stebbins seeks to proceed *in*
16 *forma pauperis*, a copy of this Order shall be attached to the application seeking to proceed *in*
17 *forma pauperis* along with a statement seeking screening of the complaint and a statement
18 explaining why the action should be allowed to proceed.

19 This Order terminates ECF Nos. 31, 32, 49, 61.

20 **IT IS SO ORDERED.**

21 Dated: August 30, 2023

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24 _____
25 TRINA L. THOMPSON
26 United States District Judge
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